

REMARKS

Applicant respectfully requests reconsideration and allowance of claims 44-124 and 127-130 that are pending, and stand rejected in the above-identified patent application. Applicant has cancelled claims 125-126, and has amended claims 44-48, 51-66, 68-71, 75, 78, 81-124, and 127-130 herein. Support for the amendments is found in at least claim 45; FIGS. 1-29; and paragraphs [0034], [0043-0059], [0074-0079], [0123], [0126], [0139], [0144-0169], [0173-0186], [0222-0235], and [0308] of the specification as originally filed. No new matter has been added by the amendments herein. In view of the following discussion, Applicant submits that all pending claims are in condition for allowance.

Interview Summary:

The undersigned respectfully acknowledges and thanks the Examiner for the courtesies extended during the phone interview on October 6, 2009. In accordance with MPEP §713.04, Applicant submits the substance of the interview herein. Participants included Examiner Robert Stevens, and Applicant's representative Jonathan Doloff. No exhibit was shown or demonstration conducted. Participants discussed independent claims 44, 51, 54, 57, 63, 64, 68, 71, 75, 78, 81, 83, 127, and 129 of the instant application and the cited prior art, including Vora et al. (U.S. Pat. No. 5,819,273, hereinafter referred to as "Vora"), Hurst-Hiller et al. (U.S. Pat. Pub. No. 2006/0015573, hereinafter referred to as "Hurst-Hiller"), Bailey et al. ("Link Augmentation: A Context-Based Approach to Support Adaptive Hypermedia", OHS/SC/AH 2001, LNCS 2266, Springer-Verlag, Berlin, Germany © 2002, pp. 239-251, hereinafter referred to as "Bailey"), Hogan et al. (U.S. Pat. No. 7,299,222, hereinafter referred to as "Hogan"), and Kremen (U.S. Pat. Pub. No. 2006/0053076). Applicant's representative discussed potential amendments to the independent claims, e.g., reciting that the value, which is indicative of the degree of reliability, and the search result are presented to a user of the system/apparatus. With regard to independent claims 71, 75, 127, and 129, Applicant's representative discussed the "asset value" language and how the "probability" of Bailey does not anticipate the asset value as claimed. The Examiner noted the definition of "asset value" as recited in claims 127 and 129, and suggested amending claims 71 and 75 to include a definition of "asset value". Although an agreement was not reached during the

interview, the Examiner suggested making the proposed amendments as it appeared that Bailey and Kremen do not disclose or suggest: (i) presenting a value, which is indicative of a degree of reliability of the searched contents, and the search result to a user; and (ii) an asset value with such a definition. The Examiner further stated that he would consider the proposed amendments when submitted in a written response (as made herein and as discussed below).

Claim Rejections under 35 U.S.C. §103:

At pages 4-19 of the Office Action, the Examiner has rejected claims 44-50, 63-77, 85, and 89 under 35 U.S.C. §103(a) as being unpatentable over Vora in view of Hurst-Hiller in further view of Bailey. In view of the amendments herein, Applicant respectfully submits that the Examiner's claim rejection has been overcome.

Amended independent claims 44, 63, 64, and 68 of the instant application recite, in part, a reliability control unit which increases or decreases a value, which is indicative of a degree of reliability of the contents to be evaluated; and a presenting unit which presents the value, which is indicative of the degree of reliability of the searched contents, and the search result to a user of the apparatus/system.

As discussed during the interview, Applicant's representatives explained the structure and functionality of one or more embodiments covered by claims 44, 63, 64, and 68 (also discussed herein below) to distinguish same from the cited prior art. By way of background, a reliability control unit (e.g., reliability control unit 130) may increase or decrease a value, which is indicative of a degree of reliability. The reliability control unit 130 may increase a value, which is indicative of the reliability degree of the contents for data 314, stored in the reliability column 310. Depending on whether the information is reliable or not, the reliability control unit 130 may increase the value of "600" for data 314 by a range of increase, which is stored in column 312, of "5" for data 314, or alternatively, may decrease the value of "600", which is indicative of the degree of reliability, by "5", which is indicative of the range of increase and/or decrease. The reliability control unit 130 may increase or decrease the value depending on whether the data 314 is more reliable or less reliable, respectively. The apparatus 100 may then present the value, which is indicative of the degree of reliability of the contents to be evaluated, and the search results to a

user of the apparatus 100 (e.g., via the terminal apparatus 50). (See at least claim 45; FIGS. 1-29; and paragraphs [0034], [0043-0059], [0074-0079], [0123], [0126], [0139], [0144-0169], [0173-0186], [0222-0235], and [0308] of the specification.)

Applicant respectfully acknowledges the Examiner's concession at page 5 of the Office Action that Vora and Hurst-Hiller do not disclose or suggest increasing or decreasing a value, which is indicative of a degree of reliability of the contents to be evaluated.

As discussed during the interview and in view of the amendments herein, Applicant submits that the teachings of Vora, Hurst-Hiller and Bailey, alone or in combination, do not disclose or suggest a presenting unit which presents the value, which is indicative of the degree of reliability of the searched contents, and the search result to a user as recited in claims 44, 63, 64, and 68 of the instant application. In view of the aforementioned deficiencies of Vora and Hurst-Hiller, the teachings of Vora and Hurst-Hiller, alone or in combination, do not disclose or suggest presenting a value, which is indicative of a degree of reliability, and the search result as claimed. Bailey does not cure the above deficiency because it does not disclose or suggest presenting a value, which is indicative of a degree of reliability as claimed. Bailey merely discloses determining a probability of whether a page belongs to the "Page Not Found" category, and does not disclose or suggest presenting the probability to a user of the Bailey device. Thus, a combination of Bailey, Vora and Hurst-Hiller (even if proper) would not result in the invention of claims 44, 63, 64, and 68. Therefore, claims 44, 63, 64, and 68 are patentable. As the subject dependent claims depend from claims 44, 63, 64, and 68, and recite additional patentable features, the subject dependent claims are, therefore, likewise patentable.

During the interview, the Examiner appeared to indicate that Bailey also does not disclose or suggest presenting a value and search results as presently recited in claims 44, 63, 64, and 68.

Amended independent claims 71 and 75 of the instant application recite, in part, an asset value varying unit which increases or decreases an asset value for the contents to be evaluated, based on the client information, wherein the asset value is calculated as a function for a profit over a specific period, customer frequency of use during a specific period, and/or estimated profit.

Applicant respectfully acknowledges the Examiner's concession at pages 14-15 of the Office Action that Vora and Hurst-Hiller do not disclose or suggest increasing or decreasing an

asset value for the contents to be evaluated as claimed.

As discussed during the interview, Applicant's representatives explained the structure and functionality of one or more embodiments covered by claims 71 and 75 (also discussed herein below) to distinguish same from the cited prior art. Applicant has amended claims 71 and 75 to include a definition of asset value where the asset value is calculated as a function for a profit over a specific period, customer frequency of use during a specific period, and/or estimated profit. By way of example, when seeking an asset value of contents, if the annual profit is "100 million yen," the regular customer frequency of use is "20," and the total product property evaluation is "6," then it may be estimated that the profit will continue for the next "3". The asset value of the contents may then be calculated as "300 million yen." (See paragraph [0209] of the specification.)

As discussed above, Bailey merely discloses a probability of whether a page is part of the "Page Not Found" category. Such a probability is not an asset value as defined in claims 71 and 75. Thus, Bailey does not disclose or suggest increasing or decreasing an asset value as claimed, and does not cure the aforementioned deficiencies of Vora and Hurst-Hiller. Therefore, the teachings of Vora, Hurst-Hiller, and Bailey, alone or in combination, do not result in the invention of claims 71 and 75.

During the interview, the Examiner appeared to indicate that Bailey also does not disclose or suggest an asset value as presently recited in claims 71 and 75.

Because Applicant amended claims 71 and 75 to include the limitations of claims 125 and 126, respectively, Applicant addresses the deficiencies of Kremen as discussed during the interview, and explains how Kremen does not cure the aforementioned deficiencies of Vora, Hurst-Hiller, and Bailey.

Applicant submits that Kremen does not disclose or suggest increasing or decreasing an asset value that is calculated as a function for a profit over a specific period, customer frequency of use during a specific period, and/or estimated profit as recited in claims 71 and 75 of the instant application. Instead, Kremen discloses that a website may present listings related to a search topic in order of most revenue for a listing to the least revenue for a listing. Specifically, Kremen states that "[the website] sorts all the results by the net revenue that [the website] would make and displays the results accordingly." (See paragraphs [0032-0033], emphasis added.) Applicant's

representative explained during the interview that a revenue is not necessarily indicative of a profit. For the sake of argument, even if one skilled in the art interpreted the revenue of Kremen to suggest a profit (which Applicant does not concede), Kremen does not disclose or suggest increasing or decreasing an asset value that is calculated as claimed. Thus, Kremen does not cure the aforementioned deficiencies of Vora, Hurst-Hiller, and Bailey.

In view of the above, claims 71 and 75 are patentable. As the subject dependent claims, depend from claims 71 and 75, and recite additional patentable features, the subject dependent claims are, therefore, likewise patentable.

During the interview, the Examiner appeared to indicate that Bailey also does not disclose or suggest an asset value as presently recited in claims 71 and 75.

At pages 19-41 of the Office Action, the Examiner has rejected claims 51-62, 78-84, 86-88, and 90-124 under 35 U.S.C. §103(a) as being unpatentable over Vora in view of Hurst-Hiller in view of Bailey in further view of Hogan. In view of the amendments herein, Applicant respectfully traverses the Examiner's rejections.

Amended independent claims 51, 54, 57, 78, 81, and 83 of the instant application recite, in part, "a reliability control unit which increases or decreases a value, which is indicative of a degree of reliability" of contents; and a presenting unit which presents the value, which is indicative of the degree of reliability of the searched contents, and the search result to a user of the apparatus/system. Independent claim 57 further recites "increases or decreases...a value, which is indicative of a degree of reliability of other contents", and "which presents...the value, which is indicative of the degree of reliability of the other contents".

The reasons for patentability of amended independent claims 44, 63, 64, and 68 of the instant application over the teachings of Vora, Hurst-Hiller, and Bailey, alone or in combination, apply with equal weight here. As established above, the teachings of Vora, Hurst-Hiller, and Bailey do not disclose or suggest a presenting unit which presents the value, which is indicative of the degree of reliability of the searched contents, and the search result to a user. Hogan does not disclose or suggest a presenting unit which presents the value, which is indicative of the degree of reliability of the searched contents, and the search result to a user as recited in claims 51, 54, 57, 78, 81, and 83 of the instant application. Thus, Hogan does not cure the aforementioned

deficiencies of Vora, Hurst-Hiller, and Bailey, and the teachings of Vora, Hurst-Hiller, Bailey, and Hogan, alone or in combination do not result in the invention of claims 51, 54, 57, 78, 81, and 83. Therefore, claims 51, 54, 57, 78, 81, and 83 are patentable. As the subject dependent claims, depend from claims 51, 54, 57, 78, 81, and 83, and recite additional patentable features, the subject dependent claims are, therefore, likewise patentable.

At pages 41-42 of the Office Action, the Examiner has rejected claims 125-126 under 35 U.S.C. §103(a) as being unpatentable over Vora in view of Hurst-Hiller in view of Bailey in further view of Kremen. Applicant has cancelled claims 125 and 126 herein, and submits that the subject claim rejection is, therefore, moot.

At pages 42-45 of the Office Action, the Examiner has rejected claims 127-130 under 35 U.S.C. §103(a) as being unpatentable over Vora in view of Kremen. In view of the amendments herein, Applicant respectfully submits that the Examiner's claim rejection has been overcome.

Amended independent claims 127 and 129 recite, in part, an asset value calculating unit which calculates a profit or a profit reduction in a transaction related to the contents, and increases or decreases an asset value for the contents by use of the profit or the profit reduction.

Applicant respectfully acknowledges the Examiner's concession at pages 43-44 of the Office Action that Vora does not disclose or suggest calculating a profit, and an asset value by use of the profit (or profit reduction) as claimed.

As discussed during the interview, Kremen does not disclose or suggest calculating a profit or a profit reduction in a transaction related to the contents, and increasing or decreasing an asset value by use of the profit or profit reduction as recited in independent claims 127 and 129 of the instant application. As established above, Kremen does not disclose or suggest increasing or decreasing an asset value. Consequently, Kremen does not disclose or suggest or decreasing an asset value by use of a profit or profit reduction. Thus, Kremen does not cure the aforementioned deficiencies of Vora. Therefore, the teachings of Vora and Kremen do not result in the present invention as recited in claims 127 and 129, and claims 127 and 129 are patentable. As claims 128 and 130 depend from claims 127 and 129, respectively, and recite additional patentable features, claims 128 and 130 are, therefore, likewise patentable.


In view of the above, Applicant respectfully requests that the Examiner's §103 rejections be withdrawn.

Conclusion:

In view of the foregoing, Applicant submits that the instant claims are in condition for allowance. Early and favorable action is earnestly solicited. The fee for the RCE is included herewith. In the event there are any fees due and owing in connection with this matter, please charge same to our Deposit Account No. 11-0223.

Dated: October 7, 2009

Respectfully submitted,

By 
Jonathan M. Doloff
Registration No.: 63,521
GIBSON & DERNIER LLP
900 Route 9 North, Suite 504
Woodbridge, New Jersey 07095
(732) 634-7634
Attorneys for Applicant